## REMARKS/ARGUMENTS

In view of the amendments and remarks herein, favorable reconsideration and allowance of this application are respectfully requested. By this Amendment, claims 21 and 25 have been amended. Thus, claims 21, 23, and 25 are pending for further examination.

### Rejection under 35 U.S.C. § 112, First Paragraph

Claim 25 stands rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. Without acquiescing to the propriety of this rejection, Applicant has cancelled the alleged objectionable subject matter. Thus, reconsideration and withdrawal of this rejection of this rejection are respectfully requested.

### Rejection under 35 U.S.C. § 103

Claims 21, 23, and 25 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Martin et al. (U.S. Patent No. 5,848,398) in view of Wilder (U.S. Patent No. 5,408,417), Banks et al. (U.S. Patent No. 5,559,714), Mauldin (U.S. Patent No. 5,478,954), and Alavi (U.S. Patent No. 5,970,467). Without acquiescing to the propriety of this five-way § 103 rejection, Applicant has further amended the independent claims so as to more clearly and patentably distinguish over the cited references.

Applicant has amended claim 21 to specify, *inter alia*, that "the display is further operable to display a list of songs in a popup menu from which a user is to select a song not yet available on the jukebox system for download to the jukebox system." Claim 25 has been similarly amended. This subject matter is not found in the cited references, alone or in

combination. Thus, even the five-way combination fails to render obvious these claims (and dependent claim 23).

Martin, which is relied upon for the teaching of a selection to be downloaded at a later time, does not appear to teach or suggest a list of songs being displayed in a popup menu from which a user is to select a song not yet available on the jukebox system for download to the jukebox system. Furthermore, the claimed popup menu and list are advantageous when compared with the techniques of Martin, inasmuch as the user may be presented with multiple options simultaneously from which selections may be easily made. In such an example system, the user need not necessarily manually enter song titles or the like and may find the list-driven system more intuitive, easier to use, etc.

In addition to the above, the Final Office Action maintains that Alavi at col. 1, line 50 to col. 2, line 24 teaches the claimed reward routine. However, this portion of Alavi does not teach or suggest that a reward routine is processed for rewarding the customer after a determination routine has determined whether the questionnaire was completed. In Alavi, the only operation made after the filling of the questionnaire apparently involves a sorting of the answers. *See, e.g.*, col. 2, lines 11-15 of Alavi in that regard. Thus, Alavi does not make up for the admitted deficiencies of the other four references. Even the alleged combination does not include the above-identified subject matter of the independent claims.

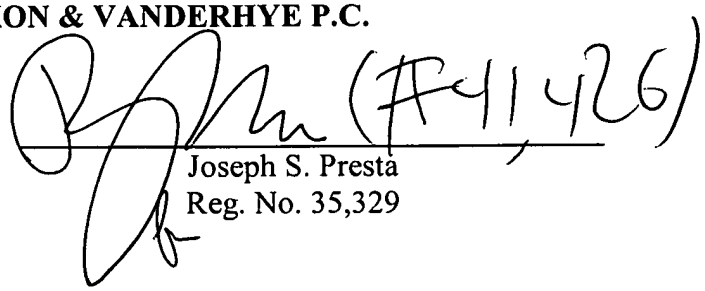
Accordingly, reconsideration and withdrawal of the outstanding § 103 rejection are respectfully requested.

**Conclusion**

In view of the foregoing amendments and remarks, withdrawal of the rejections and allowance of this application are earnestly solicited. Should the Examiner have any questions regarding this application, or deem that any formalities need to be addressed prior to allowance, the Examiner is invited to call the undersigned attorney at the phone number below.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: 
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